

Exhibit A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY		SUMMONS	CASE NO. 2023-203385-CB JUDGE MICHAEL WARREN
Court address 1200 N. Telegraph Road, Pontiac, Michigan 48341		Court telephone no. (248) 858-0344	
Plaintiff's name, address, and telephone no. COFFEE CAPITAL & DEVELOPMENT, LLC		Defendant's name, address, and telephone no. RPT RESTAURANT ACCOUNTING SERVICES, LLC c/o Richard Schroeder, Registered Agent 2702 International Lane, Suite 201 Madison, WI 53704	
Plaintiff's attorney, bar no., address, and telephone no. Mark C. Vanneste (P73001) 450 W. Fourth Street Royal Oak, MI 48067 (248) 645-1483		This case has been designated as an eFiling case, for more information please visit www.oakgov.com/efiling .	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

11-17-23
3:05p

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, Court, where

it was given case number and assigned to Judge

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside of Michigan)
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
10/23/2023	1/22/2024	Lisa Brown

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Summons (3/23)

Case No. 2023 -

- CB

PROOF OF SERVICE

TO PROCESS SERVER: You must serve the summons and complaint and file proof of service with the court clerk before the expiration date on the summons. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFICATE OF SERVICE / NONSERVICE

- I served personally by registered or certified mail, return receipt requested, and delivery restricted to the addressee (copy of return receipt attached) a copy of the summons and the complaint, together with the attachments listed below, on:
- I have attempted to serve a copy of the summons and complaint, together with the attachments listed below, and have been unable to complete service on:

Name	Date and time of service
Place or address of service	
Attachments (if any)	

- I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party.
- I am a legally competent adult who is not a party or an officer of a corporate party. I declare under the penalties of perjury that this certificate of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$		Signature
Incorrect address fee \$	Miles traveled	Fee \$	TOTAL FEE \$	Name (type or print)

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of a copy of the summons and complaint, together with

Attachments (if any) on Date and time _____

Signature on behalf of _____

Name (type or print)

This case has been designated as an eFiling case, for more information please visit
www.oakgov.com/efiling.

FILED Received for Filing Oakland County Clerk 10/20/2023 2:49 PM

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT
2023-203385-CB

COFFEE CAPITAL & DEVELOPMENT,
LLC,

Plaintiff,

JUDGE MICHAEL WARREN

Case No. 2023 -
Hon.

- CB

v.

RPT RESTAURANT ACCOUNTING
SERVICES, LLC,

Defendant.

HOWARD & HOWARD ATTORNEYS PLLC

By: Mark C. Vanneste (P73001)

450 W. Fourth St.

Royal Oak, MI 48067

248.645.1483

mv@h2law.com

Attorneys for Plaintiff

COMPLAINT

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this court, nor has any such action been previously filed, and dismissed or transferred after having been assigned to a judge.

Plaintiff Coffee Capital & Development, LLC (“Plaintiff”) complains as follows against

Defendant RPT Restaurant Accounting Services, LLC (“Defendant”):

The Parties, Jurisdiction and Venue:

1. Plaintiff Coffee Capital & Development, LLC (“CC&D”) is a Michigan limited liability company with its registered office in Royal Oak, Michigan.

2. Defendant RPT Restaurant Accounting Services, LLC (“RPT”) is a Wisconsin limited liability company that at all times relevant hereto conducted business in Royal Oak, Michigan.

3. This Court has personal jurisdiction over the parties.

4. This Court has subject matter jurisdiction over this dispute because, for example, the amount in controversy is significantly in excess of \$25,000, exclusive of costs, interest, and attorneys’ fees.

5. This Court is a proper venue for this civil action because, for example, Defendants conduct business in Oakland County and the injury alleged herein occurred in Oakland County.

General Allegations:

6. CC&D is primarily in the business of operating a coffee shop business.

7. RPT is primarily in the business of providing accounting services as well as handling certain sales transactions, accounts payable, payroll, and cash.

8. Beginning in late 2021, CC&D became a client of RPT and RPT began providing its services to CC&D.

9. As part of the services provided by RPT to CC&D, RPT would from time to time initiate electronic cash transfers of CC&D’s money to necessary recipients related to CC&D’s business.

10. Based on information and belief, at some point in or around July of 2023, a fraudster gained access to RPT’s email allowing the fraudster to monitor emails being exchanged by RPT CC&D, and to become familiar with those interactions.

11. Shortly thereafter, CC&D sent an email to RPT regarding an anticipated, upcoming electronic cash transfer.

12. Based on information and belief, the fraudster prevented RPT from receiving the email regarding the anticipated, upcoming electronic cash transfer.

13. Instead, on or about July 13, 2023, RPT received a different email containing electronic payment instructions, the sender purporting to be a principal of CC&D.

14. The sender of that email was actually the fraudster using an email address that misspelled a part of the CC&D principal's email address.

15. RPT failed to identify the misspelled email address.

16. RPT failed to recognize that the email was sent by the fraudster and not by the CC&D principal.

17. RPT failed to confirm directly with CC&D the electronic transfer instructions.

18. RPT ultimately initiated the electronic cash transfer to the fraudster's account causing the loss of at least \$103,490.21 of CC&D's funds, which was the amount of the electronic cash transfer.

19. RPT contacted CC&D after making the electronic cash transfer of \$103,490.21 and inquired about making a second transfer to the fraudster's account, apparently based on a second attempted scam by the same fraudster.

20. CC&D has suffered damages in addition to the loss of the \$103,490.21 as a result of RPT's negligence including, by way of example, costs incurred by having to onboard a new accounting firm, costs related to the loss of capital, and costs in connection with having to transfer other funds to the appropriate recipient.

21. At all times relevant hereto, RPT was in the best and only position to discovery and prevent the fraud.

22. RPT has refused to reimburse CC&D for the damages that RPT caused.

COUNT I – NEGLIGENCE

23. Plaintiff realleges and incorporates by reference the allegations contained in the proceeding paragraphs of this Complaint.

24. Defendant owes a duty to take reasonable measures to protect and secure its emails, email accounts, and communications with its clients.

25. Defendant also owes a duty to take reasonable measures to verify that email communications with its clients are legitimate.

26. Defendant also owes a duty to take reasonable measures to verify that requests to transfer its clients' funds are authentic and not being sent by a fraudster.

27. Defendant also owes a duty to verify electronic cash transfer instructions prior to initiating the electronic cash transfer.

28. Defendant breached its duties when it failed to secure its emails, failed to take reasonable measures to verify communications with clients were legitimate, and failed to verify electronic cash transfer instructions.

29. Defendant's breaches of its duties caused direct and proximate damages to Plaintiff.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment in its favor and against Defendant, plus interest, costs, and attorneys' fees to the fullest extent allowed by law.

Dated: October 20, 2023

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS PLLC

By: /s/ Mark C. Vanneste

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